

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jerry Gadson,)	C/A No.: 3:09-845-JFA-JRM
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Caroline Deloatch; Bank of America,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Jerry Gadson, brings this diversity action for personal injuries he claims the defendants caused him when he was a bank customer.

The Magistrate Judge assigned to this action¹ has prepared a comprehensive Report and Recommendation wherein he suggests dismissal of the case because this court has no subject matter jurisdiction over the matter. The Magistrate Judge finds no basis for diversity jurisdiction, nor does he find that the complaint contains a claim cognizable under federal question jurisdiction. Complete diversity of the parties is absent because the plaintiff and defendant Deloatch are both citizens of South Carolina. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

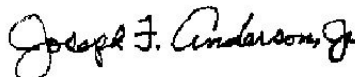
The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on April 8, 2009. The plaintiff did not file objections to the Report.

After carefully reviewing the applicable law, the record in this case, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The court, therefore, adopts the recommendation of the Magistrate Judge in full and incorporates this Report by specific reference.

Accordingly, this action is dismissed without prejudice and without service of process.

IT IS SO ORDERED.

May 1, 2009
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge